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May 19, 2006

Department of Ecology
Water Quality Program
MAY 19 2006

Municipal Stormwater Phase II Western Washington Comment
WA Department of Ecology
Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

Attn: Manager of Municipal Stormwater Permits

RE: MUNICIPAL STORMWATER PHASE II WESTERN WASHINGTON COMMENT

To Whom It May Concern:

Under the Department of Ecology's draft Western Washington Phase II Municipal Stormwater Permit (Draft Permit), public ports are identified as potentially requiring coverage as a Secondary Permittee. The draft permit allows an exemption from the need for coverage under the permit, as stated in Part S1.C.2 on Page 6 of the draft permit, if the entity meets the following conditions:

- C. Owners and operators of an otherwise regulated small MS4 is not required to obtain coverage under this Permit if:*
- 2. The portions of the small MS4 located within the census defined urban area(s) serve a total population of less than 1000 people and a, b, and c, below all apply:*
 - a. The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES stormwater program,*
 - b. The discharge of pollutants from the small MS4 have not been identified as a cause of impairment of any water body to which the MS4 discharges, and*
 - c. In areas where an EPA approved TMDL has been completed, stormwater controls on the MS4 have not been identified as being necessary.*

In determining the total population served both resident and commuter populations shall be included. For example:

- For publicly operated school complexes including universities and colleges the total population served would include the sum of the average annual student enrollment plus staff.*
- For flood control, diking, and drainage districts the total population served would include residential population and any non-residents regularly employed in the areas served by the small MS4.*

Page Two, Port of Edmonds

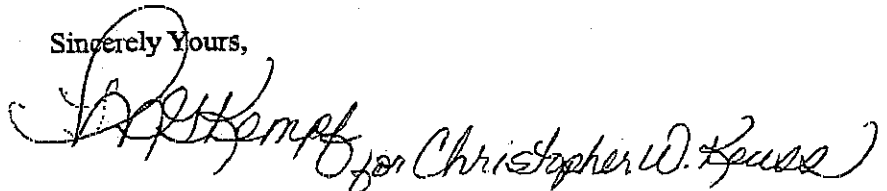
The first comment is regarding the definition of the word "substantially" in S1.C.2.a. That word is open to broad interpretation. The criterion in S1.C.2.b, "The discharge of pollutants from the small MS4 have not been identified as a cause of impairment of any water body to which the MS4 discharges," seems to be in the same vein but is a much more useful and definitive criteria for exemption. It is suggested that S1.C.2.a be deleted and that S1.C.2.b and S1.C.2.c be retained (and renumbered) to provide adequate criteria for permit exemption.

The second comment is regarding the definition of the criterion "serve a total population of less than 1,000 people" included in S1.C.2, with respect to a public port. Extending the clarification of the population served for publicly operated school complexes, it would seem that for a public port the 1,000 people would include direct port employees and the average annual boater population served. It is suggested that the following example be provided in the permit after the examples given for schools and drainage districts:

- For public ports the total population served would include the sum of the direct port employees (excluding employees of private companies operating on property leased from the Port) and the average annual number of boaters served (equivalent to the average annual number of boats in slips within the marina and in storage).

It is believed that the incorporation of these comments into the Permit would help to clarify the Permit exemption for application to public ports. Your consideration is appreciated.

Sincerely Yours,



Christopher W. Keuss CMM
Executive Director

Cc: Eric Johnson
Washington Public Ports Association